

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended): A method of playing a video wagering game of draw poker against a payable, the method comprising:

a player placing a maximum wager permitted to be placed in ~~on~~ the game;
the player viewing an initial hand;

the player electing to continue ordinary play of the game with the initial hand or surrendering by forfeiting ~~60%~~ a portion of ~~or 40%~~ of the maximum wager;

if the player surrenders: (a) ~~and receiving credit~~ determining a wager amount that is based on a difference between the maximum wager and the forfeited portion for 40% or 60%, respectively of the maximum wager; (b) said game holding said wager amount; and (c) enabling the player to view another hand and play the game with said other hand using said held wager amount; and

the game ending for the player.

Claim 2 (currently amended): The method of claim 1, wherein a possible player's hand cannot be revealed in ending the game for the player.

Claim 3 (currently amended): The method of claim 1, wherein a possible player's hand can be revealed to the player.

Claim 4 (currently amended): The method of claim 1, wherein the game is five-card draw poker.

Claim 5 (currently amended): The method of claim 1, wherein the game is a wild card variant of five-card draw poker.

Claim 6 (currently amended): A method of playing a video wagering game of draw poker comprising:

providing a plurality of different pay tables, each one of the pay tables having at least one different payout rate for at least one identical hand;

a player placing a maximum wager on the game against a first one of the pay tables, the maximum wager being the greatest wager permitted to be placed in the game;

the player viewing an initial hand;

the player electing to: (a) continue ordinary play of the game; or (b) surrendering by forfeiting a predetermined one of a plurality of portions of the maximum wager, and receiving credit for resulting in a remaining portion of the maximum wager, each one of the portions of the maximum wager associated with a different one of the payout rates;

if the player elects to surrendering, the remaining portion is held by the game and used in the game is continued against a second one of the pay tables, the second pay table having with a payout rates that is lower than the payout rate of the first pay table on at least one hand being lower than the payout rate for a same hand as in the first pay table; and

continuing play of the game.

Claim 7 (currently amended): The method of claim 6, wherein surrendering may be performed only when a maximum wager has been made in the wagering game.

Claim 8 (currently amended): A video poker wagering game machine comprising:

- a visual display;
- a plurality of player controls including a surrender player control;
- a processor and memory, the processor programmed to execute and display a draw video poker game after receiving a wager from a player;

and wherein the processor is further programmed to: (a) prohibit surrender when an initial displayed hand is one of a plurality of winning outcomes; and (b) permit surrender when the initial displayed hand is a designated other outcome, said surrender resulting in: (i) forfeiture of a portion of the wager; (ii) determination of a wager amount that is based on a difference between the wager and the forfeited portion of the wager; (iii) holding of said wager amount by said game; and (iv) application of said wager amount in operation of the game involving another displayed hand.

Claim 9 (original): The device of claim 8, wherein the processor is further programmed to permit execution of a bet surrender when a maximum wager is placed.

Claim 10 (currently amended): The device of claim 8, wherein said surrender results in forfeiture of one of a plurality of designated percentages of the wager is defined as one of either 40% or 60% of the initial wagered amount.

Claim 11 (original): The device of claim 8, wherein the plurality of winning outcomes are five card poker outcomes.

Claim 12 (currently amended): A method of playing a wagering game, comprising:

a player placing a wager to participate in a video poker game;
displaying an initial hand of cards on a video game machine display;
providing an opportunity for the player to surrender a portion of the wager unless the initial hand is a predetermined winning hand;
providing an opportunity to replace at least one cards of the initial hand, resulting in another hand; and
said game holding a wager amount that is based on a difference between the wager and the surrendered portion of the wager; and
resolving the other hand using said held wager amount.

Claim 13 (original): The method of claim 12 wherein surrender is permitted when the player has placed a maximum bet.

Claim 14 (currently amended): The method of claim 12, wherein the surrendered portion of the wager is one of a plurality of designated percentages of the wager.
~~surrender is either 40% or 60% of an amount wagered.~~

Claim 15 (currently amended): The method of claim 14, wherein the designated percentages include 13,
~~wherein the surrender is either 40% or 60% of an amount~~
wagered.

Claim 16 (currently amended): A method of playing a video wagering game of draw poker against a pay table, the method comprising:

a player placing a wager ~~in whole credit units~~ on the game;

the player viewing an initial hand;

the player electing to continue ordinary play of the game with the initial hand or surrendering by forfeiting ~~an amount closest in whole credit units to 60% or 40% a portion~~ of the wager; ~~and receiving an amount closest in whole credit units credit for 40% or 60%, respectively of the maximum wager;~~ and

if the player surrenders: (a) said game holding a wager amount that is based on a difference between the wager and the forfeited portion of the wager; and (b) the player viewing another hand and playing the game with said other hand using said held wager amount; and

the game ending for the player.

Claim 17 (currently amended): A method of playing a video wagering game of draw poker comprising:

a player placing a wager on the game against a first pay table;

the player viewing an initial hand;

the player electing to continue ordinary play of the game or surrendering by forfeiting a predetermined portion of the wager; ~~and receiving credit for a remaining portion of the maximum wager;~~

if the player elects to surrendering, a remaining portion of the maximum wager is held by the game, and the said remaining portion is used in the game is ~~continued~~ against a second pay table with payout rates on at least one hand being lower than the payout rate for a same hand as in the first pay table; and

continuing play of the game.

Claim 18 (new): A method for operating a gaming device, the method comprising:

- (a) receiving a wager from a player;
- (b) displaying at least one hand for a card game;
- (c) dealing a first set of cards to the player's hand;
- (d) receiving a first input or a second input provided by the player;
- (e) if the first input is received:
 - (i) operating the card game based on the first set of cards; and
 - (ii) providing the player with any winning outcome occurring during said card game; and
- (f) if the second input is received:
 - (i) forfeiting a portion of the wager;
 - (ii) determining a wager amount that is based on a difference between the wager and the forfeited portion of the wager;
 - (iii) holding the determined wager amount;
 - (iv) dealing a second set of cards to the player's hand;
 - (vi) applying the determined wager amount to the card game that is based on the second set of cards; and
 - (vii) providing the player with any winning outcome that occurs in said card game.

Claim 19 (new): The method of Claim 18, which includes: (a) designating a plurality of different portions of the wager; and (b) designating a plurality of different winning odds for the card game, each one of the winning odds associated with a different one of the designated portions of the wager.

Claim 20 (new): The method of Claim 19, which includes: (a) determining which one of the winning odds corresponds to the forfeited portion of the wager; and (b) applying the determined winning odds to determine whether the winning outcome occurs in the card game, said card game being based on the second set of cards.

Claim 21 (new): The method of Claim 18, which includes designating a plurality of different wagers which can be placed for the card game, the wagers including a maximum wager and at least one wager which is less than the maximum wager.

Claim 22 (new): The method of Claim 21, which includes receiving the second input only if the wager placed for the card game is equal to the maximum wager.

Claim 23 (new): A gaming device comprising:

- a card game wherein a player plays at least one hand;
- at least one wager for the card game that is permitted to be placed by the player;
- at least one winning outcome associated with the card game;
- a display device operable to display the card game to the player; and
- a processor operable with the display device to:
 - (a) deal a first set of cards to the player's hand;
 - (b) receive a first input or a second input provided by the player;
 - (c) if the first input is received, operate the card game based on the first set of cards and provide the player with any winning outcome occurring during said card game; and
 - (d) if the second input is received:
 - (i) forfeit a portion of the wager;
 - (ii) determine a wager amount that is based on a difference between the wager and the forfeited portion of the wager;
 - (iii) hold the determined wager amount;
 - (iv) deal a second set of cards to the player's hand;
 - (v) apply the determined wager amount to the card game that is based on the second set of cards; and
 - (vi) provide the player with any winning outcome that occurs in said card game.

Claim 24 (new): The gaming device of Claim 23, which includes: (a) a plurality of different designated portions of the wager; and (b) a plurality of different winning odds for the card game, each one of the winning odds associated with a different one of the designated portions of the wager.

Claim 25 (new): The gaming device of Claim 24, which includes at least one instruction used by the processor to: (a) determine which one of the winning odds corresponds to the forfeited portion of the wager; and (b) apply the determined winning odds in determining whether the winning outcome occurs in the card game, said card game based on the second set of cards.

Claim 26 (new): The gaming device of Claim 23, which includes a plurality of different wagers which can be placed for the card game, the wagers including a maximum wager and at least one wager which is less than the maximum wager.

Claim 27 (new): The gaming device of Claim 26, which includes at least one instruction used by the processor to receive the second input only if the wager placed for the card game is equal to the maximum wager.